

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**ELEANOR MARIE DIXON**  
2421 Groveview Court  
Richmond, CA 94806

**Registered Nurse License No. 401051**

Respondent

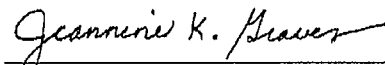
Case No. 2011-961

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **August 19, 2011.**

- IT IS SO ORDERED **August 19, 2011.**



\_\_\_\_\_  
President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
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10 **BEFORE THE**  
11 **BOARD OF REGISTERED NURSING**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 2011-961

15 **ELEANOR MARIE DIXON**  
2421 Groveview Court  
16 Richmond, CA 94806  
Registered Nurse License No. RN 401051

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

17 Respondent.

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
20 proceeding that the following matters are true:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of  
23 Registered Nursing. She brought this action solely in her official capacity and is represented in  
24 this matter by Kamala D. Harris, Attorney General of the State of California, by Michael B.  
25 Franklin, Deputy Attorney General.

26 2. Eleanor Marie Dixon (Respondent) is representing herself in this proceeding and has  
27 chosen not to exercise her right to be represented by counsel.

28 ///

1       3.     On or about August 31, 1986, the Board of Registered Nursing issued Registered  
2 Nurse License No. RN 401051 to Eleanor Marie Dixon (Respondent). The Registered Nurse  
3 License was in full force and effect at all times relevant to the charges brought in Accusation No.  
4 2011-961 and will expire on January 31, 2012, unless renewed.

5                                   JURISDICTION

6       4.     Accusation No. 2011-961 was filed before the Board of Registered Nursing (Board),  
7 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
8 and all other statutorily required documents were properly served on Respondent on June 1, 2011.  
9 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation  
10 No. 2011-961 is attached as Exhibit A and incorporated by reference.

11                                  ADVISEMENT AND WAIVERS

12       5.     Respondent has carefully read, and understands the charges and allegations in  
13 Accusation No. 2011-961. Respondent also has carefully read, and understands the effects of this  
14 Stipulated Surrender of License and Order.

15       6.     Respondent is fully aware of her legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at  
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
19 compel the attendance of witnesses and the production of documents; the right to reconsideration  
20 and court review of an adverse decision; and all other rights accorded by the California  
21 Administrative Procedure Act and other applicable laws.

22       7.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24                                  CULPABILITY

25       8.     Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 2011-961, agrees that cause exists for discipline and hereby surrenders her Registered Nurse  
27 License No. RN 401051 for the Board's formal acceptance.  
28

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

## RESERVATION

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board of Registered Nursing or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

## ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. RN 401051, issued to Respondent Eleanor Marie Dixon, is surrendered and accepted by the Board of Registered Nursing.

15. Respondent shall lose all rights and privileges as a Registered Nurse in California as of the effective date of the Board's Decision and Order.

16. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

17. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a Petition for Reinstatement. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2011-961 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

18. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$980.00. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

19. Respondent shall not apply for licensure or petition for reinstatement for two years (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

## ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated

1 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
2 by the Decision and Order of the Board of Registered Nursing.

3  
4 DATED: JUNE 24, 2011

  
ELEANOR MARIE DIXON  
Respondent

6  
7 ENDORSEMENT

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
9 for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

10 Dated: June 29 2011.

Respectfully submitted,

11  
12 KAMALA D. HARRIS  
Attorney General of California  
13 FRANK H. PACOE  
Supervising Deputy Attorney General

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15 MICHAEL B. FRANKLIN  
16 Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 2011-961**

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 MICHAEL B. FRANKLIN  
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12 In the Matter of the Accusation Against:

Case No.

2011-961

13 ELEANOR MARIE DIXON  
14 2421 Groveview Court  
Richmond, CA 94806  
15 Registered Nurse License No. RN 401051

ACCUSATION

16 Respondent.

17  
18 Complainant alleges:

19 PARTIES

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
22 Consumer Affairs.

23 2. On or about August 31, 1986, the Board of Registered Nursing issued Registered  
24 Nurse License Number RN 401051 to Eleanor Marie Dixon (Respondent). The Registered Nurse  
25 License was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on January 31, 2012, unless renewed.

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1 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
5 or the possession of, or falsification of a record pertaining to, the substances described in  
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
7 thereof.

8 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of  
9 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this  
10 section, in which event the court order of commitment or confinement is prima facie evidence of  
11 such commitment or confinement."

12 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
13 revoke a license on the ground that the licensee has been convicted of a crime substantially  
14 related to the qualifications, functions, or duties of the business or profession for which the  
15 license was issued.

16 9. Section 118, subdivision (b), of the Code provides that the suspension/expiration  
17 /surrender/cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
18 disciplinary action during the period within which the license may be renewed, restored, reissued  
19 or reinstated.

20 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
21 administrative law judge to direct a licentiate found to have committed a violation or violations of  
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
23 enforcement of the case.

#### 24 REGULATORY PROVISIONS

25 11. California Code of Regulations, title 16, section 1444, states:

26 "A conviction or act shall be considered to be substantially related to the qualifications,  
27 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
28 potential unfitness of a registered nurse to practice in a manner consistent with the public health,

1. safety, or welfare. ...."

2. CAUSE FOR DISCIPLINE

3. (Substantially Related Conviction)

4. 12. Respondent is subject to disciplinary action under sections 2761(f), 2762(b), 2762(c),  
5. 2762(d), and/or 490, as defined in section 1444, title 16, of the California Code of Regulations, in  
6. that on or about June 26, 2008, Respondent was convicted by her plea of No Contest to the  
7. violation of California Vehicle Code section 23152(b), (driving while having a 0.08 percent or  
8. higher blood alcohol), a misdemeanor. Imposition of judgment was suspended and Respondent  
9. was granted a conditional sentence of 36 months probation, subject to the following terms and  
10. conditions: report as directed and follow the instructions of the court; serve 7 (seven) days in the  
11. county jail with 1 (one) day credit for time served; pay penalty assessments in a total of \$1,760.00  
12. through central collections; be of good conduct and obey all laws; report any change of address to  
13. the Court within 10 days; do not drink alcoholic beverages and submit to alcohol detection tests  
14. as requested by peace officer(s); do not drive any motor vehicle unless lawful licensed and  
15. insured, nor within 0 (zero) hours after using alcohol/drugs; attend and complete a 3 (three)  
16. month "Driving Under the Influence" school. The circumstances of the conviction are as follows:

17. a. On or about April 4, 2008, at approximately 23:22 hours, officers responding to a  
18. radio call of a single car collision on the I-580 W/B to SR-24 E/B transition road, near 52nd  
19. Street and Shattuck Street in Oakland. While speaking with Respondent, officers detected a  
20. strong smell of alcohol from her breath and also noticed that her eyes were red and watery.  
21. Respondent admitted that she had consumed two 16 oz. Cadillac Margaritas earlier that evening.  
22. Respondent was subsequently arrested for driving under the influence of an alcohol and submitted  
23. to blood testing. The test sample showed a result of 0.21% Blood Ethyl Alcohol level.

24. PRAYER

25. WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
26. and that following the hearing, the Board of Registered Nursing issue a decision:

27. 1. Revoking or suspending Registered Nurse License Number RN 401051, issued to  
28. Eleanor Marie Dixon

1           2.    Ordering Eleanor Marie Dixon to pay the Board of Registered Nursing the reasonable  
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
3 Code section 125.3;

4           3.    Taking such other and further action as deemed necessary and proper.  
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6  
7 DATED: \_\_\_\_\_

6/1/11

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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